

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**NICHOLAS LEE BLAIR,**

**Plaintiff,**

**v.**

**UNIVERSITY OF TEXAS MEDICAL  
BRANCH,**

**Defendant.**

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**CIVIL ACTION NO. 6:18-CV-00394-RAS**

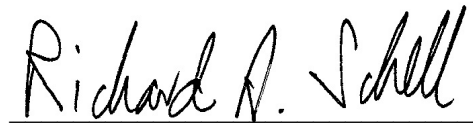
**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Nicholas Blair initiated this civil action on August 6, 2018. (Docket No. 1.) The case was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation recommending that the case be dismissed without prejudice for failure to obey a court order and failure to prosecute. (Docket No. 8.) Thereafter, Plaintiff received a copy of the Magistrate Judge's Report and Recommendation as the acknowledgement card was returned to this Court on December 6, 2018, although the exact date of receipt by Plaintiff had been torn off. (Docket No. 9.) Therefore, Plaintiff received the Magistrate Judge's Report and Recommendation prior to December 6, 2018. The Report and Recommendation informed Plaintiff of his rights to object to the Report and Recommendation within 14 days, and further informed him that a failure to timely object shall bar "the objecting party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted and adopted by the district court except upon grounds of plain error." (Docket No. 8, at 2 (citing *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996)).) Since the service of the Report

and Recommendation at the latest possible date of December 6, 2018, Plaintiff has not filed objections and the prescribed time period for doing so has passed.

Having reviewed the findings and conclusions of the Magistrate Judge, the Court agrees with the Magistrate Judge. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

**SIGNED this the 11th day of February, 2019.**

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE